

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DWARNE LAMONT HAWKINS,

Defendant.

CR 24–35–M–DWM

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation in this matter on October 9, 2024. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach. Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

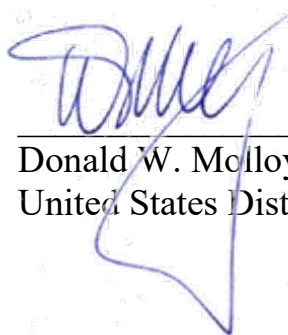
Judge DeSoto recommended this Court accept Dwarne Lamont Hawkins’s guilty plea after Hawkins appeared before her pursuant to Federal Rule of Criminal

Procedure 11, and entered his plea of guilty to one count of theft from an organization receiving federal funding in violation of 18 U.S.C. § 666(a)(1)(A) (Count 1), as set forth in the Indictment filed against him. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 2-6 of the Indictment.

I find no clear error in Judge DeSoto's Findings and Recommendation (Doc. 22), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Dwarne Lamont Hawkins's motion to change plea (Doc. 14) is GRANTED. Dwarne Lamont Hawkins is adjudged guilty as charged in Count 1 of the Indictment.

DATED this 24th day of October, 2024.



Donald W. Molloy, District Judge
United States District Court